IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 2ND JULY 2007 / 11TH ASHADHA 1929

WP(C).No. 20175 of 2007(B)

PETITIONER:

M/S.SAMSUNG INDIA ELECTRONICS PVT LTD.,
39/1939C(1), FIRST FLOOR, THOMSON CHAMBERS,
PALLIMUKKU, KOCHI-16, REPRESENTED BY ITS
SENIOR BRANCH MANAGER, AJAYKUMAR DAVID.

BY ADV. SRI.ARIKKAT VIJAYAN MENON
SRI.HARISANKAR V. MENON
SMT.MEERA V.MENON
SRI.MAHESH V.MENON

RESPONDENTS:

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1. ASST.COMMISSIONER (AA)-II,
DEPT. OF COMMERCIAL TAXES, ERNAKULAM.

2. DEPUTY COMMISSIONER OF COMMERCIAL TAXES,
(APPEALS), ERNAKULAM.

3. INSPECTING ASST.COMMISSIONER,
DEPARTMENT OF COMMERCIAL TAXES,
KAKKANAD, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. C.K. GOVINDAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 02/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 20175 of 2007

Dated, this the 2nd day of July, 2007

J U D G M E N T

Since petitioner has filed appeal against original assessment and has filed amendment petition and having regard to the contentions raised, WP(C) is disposed of directing respondents to withhold recovery proceedings, for recovery of arrears of sales tax due for the year 2005-06, till disposal of the appeal and amendment petition, on petitioner remitting Rs. 75 lakhs within one month from now. The appellate authority is directed to take up and dispose of the appeal and amendment petition within three months from the date of making payment as above. If payment is not made, entire arrears can be recovered during pendency of the appeal, and in that case the appeal will be taken up in the usual course.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg